

17

Notice of Allowability	Application No.	Applicant(s)	
	10/774,075	FULWILER, DANIEL R.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/2005.
2. ☒ The allowed claim(s) is/are 1,2 and 4-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u>. |
|---|--|

Continuation of Attachment(s) 9. Other: Drawings filed on 2/6/2004 are accepted by the examiner.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas B. Ryan on January 6, 2006.

The application has been amended as follows:

Claims 1 and 5, lines 9 and 8, respectively, the word "and" has been deleted.

Claim 1, line 15, after "film", the phrase - - ; and the barrier film is arranged for wrapping around the product for positioning the label between the barrier film and the product- - has been added.

Claim 5, line 16, after "backing", the phrase - - ; and the barrier film is arranged for wrapping around the product for positioning the label between the barrier film and the product- - has been added.

Claim 3 has been canceled.

Claim 4, line 1, numeral "3" has been changed to - -2 - -.

Claim 9, line 2, the phrase "is safe for contact" has been replaced by - - is suitable for direct contact - -.

Claim 9, line 3, the phrase "is not as safe for contact" has been changed to - -is suitable for indirect contact- - .

Art Unit: 1772

Specification, paragraph-[0012], line 1, the phrase "FIGS. 2A-2CF" has been corrected to - - FIGS. 2A-2C - -.

2. The following is an examiner's statement of reasons for allowance:

A review of applicants' arguments in amendment filed on October 20, 2005 and a review of the instant amended claims has convinced the examiner that the claims are allowable over the applied prior art of record. The prior art fails to teach a product labeling system comprising a barrier film having an outer ply and an inner ply, and a label having a first ply supporting a layer of printing and a second ply supporting an adhesive layer, the first ply of the label is mounted on the second ply of the label such that the second ply has an exposed area of adhesive that is located beyond the first label ply, both said first and second ply of the label are mounted adjacent to the inner ply of the barrier film with the exposed adhesive of the second ply that bonds the label to the inner ply without obstructing the view of the printing layer such that the first ply is sandwiched between the second ply and the inner ply, and that the printing on the first ply of the label is visible through both the plies of the barrier film. The barrier film is defined as a two-ply wrap with the inner ply being the ply that positions that label between itself and the product. The print supporting ply can be a liner backing such as a release liner. Also, no evidentiary support could be provided to support the position that the instant claimed invention would have been obvious to one having ordinary skill in the art.

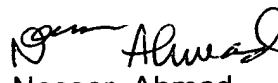
Art Unit: 1772

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad 1/17/06
Primary Examiner
Art Unit 1772

N. Ahmad.
January 9, 2006.